

REMARKS

Claims 1-40 were pending in this application. In the Office Action dated February 15, 2007, restriction was required to one of the following inventions:

- I. Group I, claims 1-40, of those which are drawn to compounds, composition, processes and methods of formula I, wherein R^1 is a direct bond
- II. Group II, claims 1-40 of those which are drawn to compounds, compositions, processes and methods of formula I, wherein R^1 is O.
- III. Group III, claims 1-40 of those which are drawn to compounds, compositions, processes and methods of formula I, wherein R^1 is S.
- IV. Group IV, claims 1-40 of those which are drawn to compounds, compositions, processes and methods of formula I, wherein R^1 is C=O or CH₂.
- V. Group V, claims 1-40 of those which are drawn to compounds, compositions, processes and methods of formula I, wherein R^1 is CH₂CH₂.
- VI. Group VI, claims 1-40 of those which are drawn to compounds, compositions, processes and methods of formula I, wherein R^1 is NR_a.

Further, the Office Action required election of one of the following species:

Thianthrene, dibenzothiophenes, thioxanthenes, thioxanthenes, phenoxanthiins, dibenzothiepins, dibenzothiopyrans, dibenzothiazines, etc.

The Examiner asserts that these groups are independent or distinct from each other.

Applicants respectfully traverse. However, in the event the Examiner rejects the below arguments, Applicants hereby elect Group IV and the species "thioxanthone", namely claims 1-24, 26 and 32-40.

Applicants have amended claim 1 and withdrawn claims 25 and 27-31 as directed to non-elected species. In addition, claims 3-14, 18-20, 22-24, 26, 32, 34 and 37-38 have been amended to correct the multiple dependencies and claim 11 has been further amended to correct a minor typographical error. Support for amended claim 11 can be found in the specification at page 4,

line 19 and on page 11, line 1. Accordingly, claims 1-40 are currently pending in the current application.

Applicants respectfully maintain that the claims of Groups I-VI should be examined together for the following reasons:

Applicants point out that only one field of search is required and that examination of Groups I-III and V-VI along with elected Group IV would not impose an undue burden on the Examiner. In particular, a search related to the subject matter of Group IV would reveal art related to the subject matter of Groups I-III and V-VI and vice versa.

Accordingly, to require the filing of separate divisional applications directed to Groups I-III and V-VI would result in the very same search for art being repeated. Specifically, it is likely that the same Examiner would be in charge of the divisional applications; but since those divisional applications will be examined at a much later date, the Examiner will have to conduct duplicate, redundant searches at the time she examines the divisional applications. Alternatively, if a different Examiner is assigned to the divisional application, a significant loss of PTO efficiency would be incurred as a result of the examination of those divisional cases. Such duplicate efforts would be inefficient to the operation of the Patent and Trademark Office.

Moreover, as a result of the GATT legislation limiting the term of a patent to twenty years from its effective filing date, the delay in the examination of the non-elected claims will likely result in the patent term for these claims being unnecessary shortened.

Therefore, for the above reasons, favorable reconsideration of the restriction requirement is thus earnestly solicited. However, as stated above, in the event the Examiner rejects the above arguments, relating to Groups I-III and V-VI, applicants hereby elect Group IV species “thioxanthone” with traverse.

No extra fee is believed due. However, if any additional fees are necessary, the Director is hereby authorized to charge such fees or credit any overpayment to Deposit Account No. 50-0540.

Respectfully submitted,

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